

COURT OF CRIMINAL APPEALS

PD-0805-16

FILED
COURT OF CRIMINAL APPEALS
3/3/2017
ABEL ACOSTA, CLERK

David Wayne Cahill, Appellant

v.

State of Texas, Appellee

**On Appeal from the
380th Judicial District Court
Collin County, Texas
Cause Number 380-81088-2012**

Motion to Postpone Oral Argument

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Texas Bar No. 24081458**

Attorney for Appellant

To the Honorable Justices of the Court of Appeals:

Appellant David Wayne Cahill moves for postponement of the set date for oral arguments in this case. [See Tex. Rule App. Proc. 10.5(c)].

1. This case is on appeal from the 380th District Court of Collin County, Texas.

2. The case below is styled the *State of Texas v. David Wayne Cahill*, and is numbered 380-81088-2012.

3. Appellee's brief was filed on December 28, 2016.

4. Appellant brief was filed on February 14, 2017.

5. On March 1, 2017, this honorable Court notified the parties that oral arguments in the case had been set for April 5, 2017.

6. Attorney Kristin R. Brown plans to argue this case on behalf of Appellant.

7. Appellant relies on the following facts as good cause for the requested postponement: Attorney for Appellant is currently working on **fifteen** appellate briefs in the following cases, all due prior or close to the scheduled date for argument in this case: *Franklin v. State*, 05-16-00546-CR; *Lopez v. State*, 05-16-01024-CR; *Ayala v. State*, 05-16-01136-CR; *Davis v. State*, 05-16-01341-CR; *Davis v. State*, 05-16-01342-CR; *Davis v. State*, 05-16-01343-CR; *Nelms v. State*, 05-16-00976-CR; *Martinez-Ovalle v. State*, 05-16-01275-CR; *Santillana v. State*,

05-16-01046-CR; *James v. State*, 05-16-01313-CR; *Phillips v. State*, 05-16-01409-CR; *Flores v. State*, 05-16-01444-CR; and *Velazquez v. State*, 05-16-01326-CV.

8. Further, Attorney for Appellant is working on records in *Callens v. State*, 05-16-01180-CR and 05-16-01181-CR. This is a complex double murder case with juvenile certification issues.

9. All of this is in addition to Attorney for Appellant's regular trial and hearing docket.

10. Attorney Kristin R. Brown believes this is a very important case for oral argument and needs time to properly prepare for argument in front of this Court. Appellant asks that this honorable court to please reschedule the set arguments to any date after April 15, 2017, but preferably in May 2017.

11. No prior motions to postpone oral arguments have been filed or granted in this case.


12. This Motion is not filed for purposes of delay, but in the interest of justice, so that Appellant may properly present argument to this honorable Court.

Prayer

Appellant prays that this honorable Court grant Appellant's motion and postpone oral argument until a date after April 15, 2017.

Respectfully submitted,

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Certificate of Conference

This certifies that on March 1 and 2, 2017, Counsel for Appellant Conferenced with John Messinger, of the State Prosecuting Attorney's office, via email to john.messinger@spa.texas.gov, regarding this motion. Mr. Messinger is not opposed to Appellant's motion.



Kristin R. Brown

Certificate of Service

This certifies that, on the date of the filing of this document, a true and correct copy was served on the office of the State Prosecuting Attorney by eservice to john.messinger@spa.texas.gov, and to the appellate division of the District Attorney, Collin County generally at daappeals@collincountytx.gov.



by Kristin R. Brown